

**BACHMAN & LaPOINTE, P.C.**  
REGISTERED PATENT ATTORNEYS  
SPECIALIZING IN INTELLECTUAL PROPERTY

SUITE 1201  
900 CHAPEL STREET  
NEW HAVEN, CONNECTICUT 06510-2802

GREGORY P. LAPOINTE  
BARRY L. KELMACHTER (ALSO VA BAR)  
GEORGE A. COURY (ALSO NY BAR)  
WILLIAM B. SLATE (ALSO CA AND DC BARS)  
ROSS J. CHRISTIE (ALSO NY BAR)

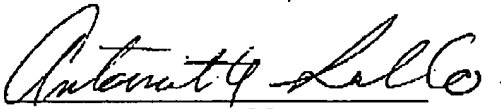
TELEPHONE (203) 777-6628  
FAX (203) 865-0297  
(203) 789-0582

TELECOPIER COVER LETTER

To: MS Petition From: William B. Slate  
FAX #: 703-872-9306 Date: April 19, 2005  
Your Ref.: SN 09/856,335 Our Ref.: 01-329  
Number of Pages including this sheet: 15  
Confirmation Copy to Follow: Yes XX No

\* Comments:

I hereby certify that this correspondence is being faxed this 19<sup>th</sup> day of April, 2005 to the USPTO, at Fax No. 1-703-872-9306.

  
Antoinette Sullo

Please acknowledge receipt of this letter by email, telephone, telefax or telex and advise us if any pages are not readily legible or have not been received.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately and destroy this transmittal.

BACHMAN & LAPOINTE, P.C.  
TELEPHONE: (203) 777-6628  
TELEFAX : (203) 865-0297



PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

William B. State  
Signature

April 19, 2005

Date

William B. State

Typed or printed name

37,238

Registration Number, if applicable

900 Chapel Street, Suite 1201

Address

203-777-6628

Telephone Number

New Haven, CT 06510-2802

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: PTO-2051

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.4-19-05

Date

Antoinette Sullo  
Signature

Antoinette Sullo

Typed or printed name of person signing certificate



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,335	05/18/2001	Erich Lugscheider	01-329	7881
7590 03/22/2005				
Bachman & LaPointe Suite 1201 900 Chapel Street New Haven, CT 06510-2802				
EXAMINER BAREFORD, KATHERINE A				
ART UNIT 1762		PAPER NUMBER		

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



U.S. Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10-1430			www.uspto.gov

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

Mr. [redacted] is

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☒ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions concerning this notice to:

Technology Center 1200

FORM PTO-2051 (Rev. 7/2003)

**BEST AVAILABLE COPY**